

April 14, 1998

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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CORRECTED REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Natural Resources,
Water and Land Resources Division File No. **E97CT050**
Proposed Ordinance No. **98-068**

EDWARD and SUSAN GALLUP
Open Space Taxation (Public Benefit Rating System) Application

Location: 12002 434th Avenue Southeast
North Bend, WA 98045

This report has been reissued to correct a clerical error identifying the proposed ordinance number. Except for supplying the proper ordinance number and providing a new appeal period, the reissued report is identical to the one originally filed dated March 10, 1998.

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions
Examiner:	Approve, subject to conditions

PRELIMINARY REPORT:

The Water and Land Resources Division Preliminary Report on Item No. E97CT050 was received by the Examiner on February 6, 1998.

PUBLIC HEARING:

After reviewing the Water and Land Resources Division's Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. E97CT050 was opened by the Examiner at 10:30 a.m., March 5, 1998, in Hearing Room No. 2, Department of Development and Environmental Services, 900 Oakesdale Avenue SW, Renton, Washington, and closed at 11:10 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in

the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owners	Edward and Susan Gallup 12002 434 th Avenue Southeast North Bend, WA 98045
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Location:	Same as above
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Zoning:	RA 10
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Acreage:	
Property Total:	8.33 acres
Subject to Application:	7.28 acres
Recommended:	7.28 acres

STR:	SE-NE 10-23-08
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2. Except as modified herein, the facts set forth in the Water and Land Resources Division's Preliminary Report to the King County Hearing Examiner for the March 5, 1998, public hearing are found to be correct and are incorporated herein by reference. Copies of the Division Report will be attached hereto for submittal to the King County Council.
3. A complete application for current use open space classification was received by the Water and Land Resources Division prior to December 31, 1997. Notice for the March 5, 1998, public hearing on the application was published at least 20 days in advance of the hearing date in the Seattle Times and a local community newspaper. The staff recommends that the application be granted 23 points under the King County Public Benefit Rating System.
4. As provided by the Assessors Office, the estimated market value tax for this parcel is \$2,166.91 with a current use valuation of \$45,600 and an estimated tax thereon of \$659.

CONCLUSIONS:

1. The conclusions stated in the Water and Land Resources Division's Preliminary Report to the Hearing Examiner for the March 5, 1998, public hearing are found to be correct and are incorporated herein by reference.
2. A timely application has been filed and proper legal notice published with respect to the current use assessment application.

3. The application concerns property which is open space land within the meaning of RCW 84.34.020.
4. The property is eligible for open space classification under the King County Public Benefit Rating System because it contains one or more priority open space resources. The conditions of approval recommended herein assure that the public benefits which provide the basis for reduction in tax assessment shall be maintained, preserved, conserved and continued for the economic and social well-being of King County and its citizens.
5. Based on the record, the application is entitled to a total public benefit rating of 23 points for 7.28 acres which results in a valuation of 20% of market value.

RECOMMENDATION:

APPROVE the request of Edward and Susan Gallup for current use taxation (open space classification) with a public benefit rating of 23 points subject to the conditions stated below:

1. Within 30 days of the date of approval this application by the Metropolitan King County Council the Applicants shall sign an agreement which accepts the conditions of approval and meets the requirements of WAC 458-30-240.
2. The remaining conditions of approval are those stated in the Water and Land Resources Division's Staff Report (Exhibit No. 4).
3. Additional credit for the resource restoration and forest stewardship land categories may be authorized for this application upon submission to the Water and Land Resources Division of the appropriate plans.

RECOMMENDED this 14th day of April, 1998.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 14th day of April, 1998, to the parties and interested persons shown on the attached list.

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before April 28, 1998**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before May 5, 1998**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

**MINUTES OF THE MARCH 5, 1998, PUBLIC HEARINGS ON WATER AND LAND RESOURCES
DIVISION FILE NO. E97CT050-GALLUP.**

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Ted Sullivan and George Kritsonis. The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	Omitted
Exhibit No. 2	Omitted
Exhibit No. 3	Omitted
Exhibit No. 4	Department of Natural Resources, Water and Land Resources Division Preliminary Report to the King County Hearing Examiner for the March 5, 1998, public hearing
Exhibit No. 5	Legal Notice to Council
Exhibit No. 6	Introductory Ordinance to Council
Exhibit No. 7	Affidavit of Publication
Exhibit No. 8	Notification to Applicant of Hearing, dated February 10, 1998
Exhibit No. 9	Application Signed/Notarized

Exhibit No. 10	Legal Description
Exhibit No. 11	Legal Description of designated open space
Exhibit No. 12	Assessor Maps
Exhibit No. 13	King County Situs Report
Exhibit No. 14	King County Assessors Database
Exhibit No. 15	Site map
Exhibit No. 16	Arcview map
Exhibit No. 17	Notice of Hearing, Office of Hearing Examiner
Exhibit No. 18	Resources Restoration plan

SLS:daz

Attachment

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